

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-30208-KPN

BRADFORD C. COUNCILMAN, )  
Plaintiff, )  
v. )  
ALIBRIS, INC., )  
MICHAEL WARCHUT, )  
PETER KROTKOV, )  
Defendants. )

**ASSENTED-TO MOTION TO EXTEND TIME**  
**TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

With the assent of plaintiff, defendants Alibris, Inc. ("Alibris") and Michael Warchut ("Warchut") hereby respectfully move to extend the time for them to answer or otherwise respond to the Complaint in this action until thirty days after plaintiff provides notice to Alibris and Warchut of a ruling by the United States Court of Appeals for the First Circuit in the case of *United States v. Bradford C. Councilman*, No. 03-1383. As grounds for this motion, Alibris and Warchut state as follows:

1. Defendants Alibris and Warchut filed a Notice of Removal of the present action with this Court on October 22, 2004. Pursuant to Federal Rule of Civil Procedure 81(c), the defendants' time to answer or present other defenses or objections would run "within 20 days after the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within 20 days after the service of summons upon such initial pleading, then filed, or within 5 days after the filing of the petition for removal, whichever period is longest."

2. Prior to removal to this Court, plaintiff, for the reasons set forth in the Assented-To Motion to Extend Time to Answer or Respond to Complaint, filed when this matter was pending

in the Superior Court, a copy of which is attached hereto as Exhibit A, agreed to an extension for defendants to answer or otherwise respond to plaintiff's complaint until thirty days after plaintiff provides notice to Alibris and Warchut of a ruling by the United States Court of Appeals for the First Circuit in the case of *United States v. Bradford C. Councilman*, No. 03-1383. See Exhibit A.

WHEREFORE, with the assent of plaintiff, defendants Alibris and Warchut respectfully request that this Court allow the agreed upon extension of the time within which defendants must file responsive pleadings to plaintiff's Complaint and extend the time for Alibris and Warchut to answer or otherwise respond to the Complaint in this action until thirty days after plaintiff provides notice to Alibris and Warchut of a ruling by the United States Court of Appeals for the First Circuit in the case of *United States v. Bradford C. Councilman*, No. 03-1383.

Assented to:  
The Plaintiff,  
BRADFORD C. COUNCILMAN  
By His Attorney:

/s/ Andrew Good  
Andrew Good - BBO No. 201240  
Matthew Zisow - BBO No. 658726  
Good & Cormier  
83 Atlantic Avenue  
Boston, MA 02110  
Tel: (617) 523-5933  
Fax: (617) 523-7554

Dated: November 1, 2004

Respectfully submitted,  
The Defendant,  
ALIBRIS, INC.  
By Its Attorneys:

/s/ Katherine A. Robertson  
Katherine A. Robertson - BBO No. 557609  
Christine Y. LeBel - BBO No. 600197  
Bulkley, Richardson and Gelinas, LLP  
1500 Main Street, Suite 2700  
Springfield, MA 01115  
Tel: (413) 781-2820  
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The Defendant,  
MICHAEL WARCHUT  
By His Attorney:

/s/ Jeffrey L. McCormick  
Jeffrey L. McCormick - BBO No. 329740  
Robinson Donovan, P.C.  
1500 Main Street, Suite 1600  
Springfield, MA 01115  
Tel: (413) 732-2301  
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Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on November 1, 2004.

/s/ Katherine A. Robertson  
Katherine A. Robertson